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REMARKS

Claims 1-2 and 4-22 are pending in the present Application. Claims 1 and 17-19 have been amended, leaving Claims 1-2 and 4-22 for consideration upon entry of the present Amendment. No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections Under 35 U.S.C. § 102(e)

Claims 1-2 and 4-22 stand rejected under 35 U.S.C. § 102(e), as allegedly anticipated by U.S. Patent No. 6,740,413 to Klun et al. ("Klun"). Applicants respectfully disagree.

To anticipate a claim, a reference must disclose each and every element of the claim. *Levmar Marine v. Varient Inc.*, 3 U.S.P.Q.2d 1766 (Fed. Cir. 1987).

Klun generally discloses an antistatic composition comprising (a) at least one polymeric salt consisting of (i) at least one polyoxyalkylene ammonium cation, and (ii) a fluorinated anion. (Abstract)

The Examiner has rejected claims 1-2 and 4-22 as allegedly anticipated by Klun because

as worded and amended, applicants' claim, when broadly interpreted, while remaining in scope with the specification, would still render the claim anticipated over the reference. Note the term "polymeric anionic component" may be interpreted in view of the specification, as a component used within a larger polymeric moiety and not the actual polymeric moiety itself.

(Office Action dated 03/01/05, page 2)

The Applicants have amended claims 1 and 17-19 to contain the term "polymeric anti-static salt comprising a cationic component and an anionic component, wherein the anionic component is polymeric" to clearly define the anionic component as polymeric. Such a limitation is not taught or suggested by the Klun reference as none of the anions disclosed in Klun are polymeric.

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The Specification of the instant application is directed to polymeric anti-static salts where the anionic component is polymeric, that is the "polymeric moiety itself." It has been found that compositions containing the polymeric anti-static salts retain the antistatic properties even after washing as it is believed that the higher molecular weight of the salt renders it insoluble. (Specification paragraph [0014])

Examples of polymeric anionic components are provided in the Specification and include "poly(acids) having a polymer backbone comprising a plurality of pendent acidic groups capable of forming an ionic bond with the cationic component...[s]uitable acidic groups include, for example, carboxylic acid and sulfonic acid." (Specification paragraph [0023]; emphasis added) Further examples of the polymeric anionic component include "those derived from poly(methyl)acrylic acid, polyacrylic acid, poly(ethyl)acrylic acid, poly(maleic acid), poly(vinyl sulfonic acid), poly(4-styrene sulfonic acid), and the like." (Specification paragraph [0024]) Still further, the polymeric anti-static salt may be prepared by polymerizing an ionic monomer that comprises both a reactive functionality and a salt moiety capable of imparting anti-static properties. Through polymerization of the ionic monomers via the reactive functionality, a polymeric anti-static salt is prepared comprising a polymeric backbone based on the reactive groups and salt moieties pendent from the backbone. (Specification paragraph [0028]; emphasis added)

As illustrated by the foregoing portions of the Specification, the polymeric antistatic salt of the present application is directed to those containing an anionic component that is polymeric, that is a polymer containing a plurality of pendent anionic groups. Claims 1 and 17-19 have been amended to clearly indicate that the anionic component is polymeric. All other claims ultimately depend from claims 1 and 19. As Klun fails to teach or suggest a polymeric antistatic salt comprising a cationic component and an anionic component where the anionic component is polymeric, Klun fails to anticipate the claims. Accordingly, reconsideration and allowance of the claims are respectfully requested.

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Claim Rejections Under 35 U.S.C. § 103(a)

Claims 13 and 22 stand rejected under 35 U.S.C. § 103(a), as allegedly unpatentable over Klun in view of U.S. Patent Application Publication No. 2003/0065071A1 to Scholten ("Scholten"). Applicants respectfully disagree.

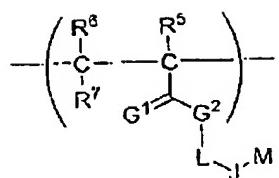
Scholten generally discloses a thermoplastic composition comprising (A) 100 parts by weight of a thermoplastic polymer, such as polycarbonate or a blend thereof, (B) 0.0001-10 parts by weight of a sulfonic acid phosphonium salt as an antistatic agent, and (C) 0.01-1 parts by weight of a silicone oil based compound as an antistatic activity enhancer.

The sulfonic acid phosphonium salt includes such salts as tetraalkylphosphonium salts of dodecylsulfonic acid or dodecylbenzenesulfonic acid. (See [0016]-[0022]) None of the sulfonic acid phosphonium salts of Scholten contain a polymeric anionic component.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness, i.e., that all elements of the invention are disclosed in the prior art. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

As mentioned above, the Applicants have amended claim 1 to contain the term "polymeric anti-static salt comprising a cationic component and an anionic component, wherein the anionic component is polymeric" to clearly define the anionic component as polymeric. Claim 13 ultimately depends from claim 1. Furthermore, claim 22 is directed to a polymeric anti-static salt, comprising repeating units according to the structure:

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wherein \mathfrak{J} is a carboxylate or a sulfonate group pendent from the polymer backbone (i.e., a polymeric anionic component). Neither Klun nor Scholten teach or suggest either the polymeric salt of claim 22 or a "polymeric anti-static salt comprising a cationic component and an anionic component, wherein the anionic component is polymeric." As all the elements of claims 13 or 22 have been taught or suggested by Klun and/or Scholten, the claims have not been rendered obvious. Accordingly, the Applicants respectfully request reconsideration and allowance of claims 13 and 22.

It is believed that the foregoing amendments and remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

The Applicants' representative respectfully invites the Examiner to call her if the Examiner believes it will further the prosecution of the present application.

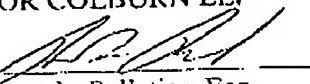
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If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 07-0862

Respectfully submitted,

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